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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,855	03/12/2004	Hitoshi Takeda	17268-005001	2059
26211	7590	12/13/2005	EXAMINER	
FISH & RICHARDSON P.C.				HO, BINH VAN
P.O. BOX 1022				ART UNIT
MINNEAPOLIS, MN 55440-1022				PAPER NUMBER
				2821

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HJA

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/799,855	TAKEDA ET AL.
	Examiner Binh V. Ho	Art Unit 2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 26 September 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

Notice of References Cited (PTO-892)  
 Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 03/12/2004.

4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_ .  
 5)  Notice of Informal Patent Application (PTO-152)  
 6)  Other: \_\_\_\_ .

***DETAILED ACTION***

1. This is a response to amendment filed 09/26/2005. The objection of claim has been withdrawn in view of the amendment. However, the newly added claims 4-6 necessitate a new ground of rejection as discussed below.

***Claim Objections***

2. Claims 2 - 6 are objected to because of the following informalities:

In claim 2, lines 1, "A vehicular" should be changed to --The vehicular--.

In claim 3, lines 1, "A vehicular" should be changed to --The vehicular--.

In claim 4, lines 1, "A vehicular" should be changed to --The vehicular--.

In claim 5, lines 1, "A vehicular" should be changed to --The vehicular--.

In claim 6, lines 1, "A vehicular" should be changed to --The vehicular--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 to 3 remain rejected and newly added claims 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Stam (US20030123705 of record).

(Claim 1)

Stam teaches a vehicular lamp (Figure 26a) used for a vehicle, comprising a semiconductor light emitting element (2650) for generating light used for a vehicular headlamp (2800 in Figure 28) to emit said light forward from said vehicle; and a current controlling unit (1105, 1127, 1104 in Figure 11) for allowing said semiconductor light emitting element to generate light used for a position lamp (1131 in Figure 11) to indicate a position of said vehicle, in place of said light used for said vehicular headlamp (1132 in Figure 11), by reducing a current supplied to said semiconductor light emitting element (2650) based on an instruction of a driver (1121 in Figure 11, 3415, 3415 in Figure 34, paragraph [0020], [0023], [0124]) of said vehicle.

(Claim 2)

Stam teaches current controlling unit (1105, 1127, 1104 in Figure 11) reducing said current (paragraph [0124]) if said vehicle is stopped.

(Claim 3)

Stam further teaches a plurality of semiconductor light emitting elements coupling in parallel (in figure 28; 3311,3312 in Figure 33), wherein said current controlling unit (1105, 1127, 1104 in Figure 11) comprises a selecting unit (1121,1123 in Figure 11) for selecting all or a part of said plurality of semiconductor light emitting elements (2650) based on an instruction of said driver (1121 in Figure 11, 3415, 3415 in Figure 34, paragraph [0020], [0023], [0124]) of said vehicle; and a current supplying unit (paragraph [0124]) for allowing a part of said plurality of semiconductor light emitting elements (2650) to emit said light used for said position lamp (3311,3312 in Figure 33 )

by reducing currents supplied (paragraph [0294], figures 14, 18-21) to said semiconductor light emitting elements (2650), if said selecting unit (1121,1123 in Figure 11) selects said part of semiconductor light emitting elements by supplying currents to said selected semiconductor light emitting elements.

(Claim 4)

Stam further teaches the current controlling unit reduces a current supplied to said semiconductor light emitting element based on at least one of a speed of the vehicle (Figure 21), a temperature of a vehicular lamp, and a brightness around the vehicle (Figures 50A, 50B, 50C) during the course that a vehicular lamp is turned on as a vehicular headlamp based on instructions of a driver (1121 in Figure 11, 3415, 3415 in Figure 34, paragraph [0020], [0023], [0124]).

(Claim 5)

Stam further teaches the current controlling unit reduces said current, if said vehicle is stopped (paragraph [0180]).

(Claim 6)

Stam further teaches a plurality of said semiconductor light emitting elements coupled in parallel (in figure 28), wherein said current controlling unit comprises a selecting unit for selecting all or a part of said plurality of semiconductor light emitting elements based on an instruction of said driver (1121 in Figure 11, 3415, 3415 in Figure 34, paragraph [0020], [0023], [0124]) of said vehicle; and a current supplying unit for allowing a part of said plurality of semiconductor light emitting elements to emit said light used for said position lamp by reducing currents supplied to said

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semiconductor light emitting elements, if said selecting unit selects said part of semiconductor light emitting elements by supplying currents to said selected semiconductor light emitting elements.

### **Response To The Arguments**

5. Applicant's arguments filled on 09/26/2005 have been fully considered but the are not persuasive. Applicant made the following arguments:

In a vehicular lamp according to the present claims, a vehicle lamp as a "vehicular headlamp" is switched to a vehicle lamp as a "position lamp" upon instructions of the vehicle driver provided to a current controlling unit to do so. This feature is recited in pending claim 1:

". . .by reducing a current supplied to said semiconductor light emitting element based on. An instruction of a driver of said vehicle." Thus, the change does not occur automatically. The driver turns on a vehicle lamp as a positioning lamp.

On the other hand, in Stam, a high beam lamp is automatically switched to a low beam lamp by Stam's microcontroller, without instructions by the driver.

Furthermore, the Stam published application does not disclose that the headlamps can serve as a "position lamp" as recited in the pending claims.

6. The Examiner respectfully disagreed with the Applicant's argument above, since Stam discloses ". . .by reducing a current supplied to said semiconductor light emitting element based on an instruction of a driver of said vehicle.", (1121 in Figure 11, 3415, 3415 in Figure 34, paragraph [0020], [0023], [0124]). Also, Stam discloses vehicular headlamp (3314, 3315) and position lamp (3311, 3312).

### Conclusion

7. Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Inquiry**

g. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Primary Examiner*  
*Binh Van Ho*  
*12/08/2005*

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Examiner  
Art Unit 2821

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12/08/2005